
SUBSTITUTE SENATE BILL 5178

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon; by request of Lieutenant Governor)

READ FIRST TIME 01/30/03.

1 AN ACT Relating to funding and expenditures for legislative trade
2 hosting and mission activities; amending RCW 42.52.150; adding a new
3 section to chapter 44.04 RCW; and adding a new section to chapter 42.52
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 44.04 RCW
7 to read as follows:

8 The legislative international trade account is created in the
9 custody of the state treasurer. All moneys received from gifts,
10 grants, and endowments for international trade hosting and missions
11 activities must be deposited in the account. Only private, nonpublic
12 gifts, grants, and endowments may be deposited in the account.
13 Expenditures from the account may be used only for the purposes of
14 international trade hosting and trade mission activities in which the
15 president and members of the senate and members of the house of
16 representatives participate in an official capacity. Only the
17 president of the senate may authorize expenditures from the account.
18 An appropriation is not required for expenditures. All requests by
19 individual legislators for use of funds from this account must be first

1 approved by the secretary of the senate for members of the senate or
2 the chief clerk of the house of representatives for members of the
3 house of representatives prior to final approval by the president of
4 the senate.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW
6 to read as follows:

7 (1) When soliciting charitable gifts, grants, or donations solely
8 for the legislative international trade account created in section 1 of
9 this act, the president of the senate is presumed not to be in
10 violation of the solicitation and receipt of gift provisions in RCW
11 42.52.140.

12 (2) When soliciting charitable gifts, grants, or donations solely
13 for the legislative international trade account created in section 1 of
14 this act, state officers and state employees are presumed not to be in
15 violation of the solicitation and receipt of gift provisions in RCW
16 42.52.140.

17 **Sec. 3.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as
18 follows:

19 (1) No state officer or state employee may accept gifts, other than
20 those specified in subsections (2) and (5) of this section, with an
21 aggregate value in excess of fifty dollars from a single source in a
22 calendar year or a single gift from multiple sources with a value in
23 excess of fifty dollars. For purposes of this section, "single source"
24 means any person, as defined in RCW 42.52.010, whether acting directly
25 or through any agent or other intermediary, and "single gift" includes
26 any event, item, or group of items used in conjunction with each other
27 or any trip including transportation, lodging, and attendant costs, not
28 excluded from the definition of gift under RCW 42.52.010. The value of
29 gifts given to an officer's or employee's family member or guest shall
30 be attributed to the official or employee for the purpose of
31 determining whether the limit has been exceeded, unless an independent
32 business, family, or social relationship exists between the donor and
33 the family member or guest.

34 (2) Except as provided in subsection (4) of this section, the
35 following items are presumed not to influence under RCW 42.52.140, and

1 may be accepted without regard to the limit established by subsection
2 (1) of this section:

3 (a) Unsolicited flowers, plants, and floral arrangements;

4 (b) Unsolicited advertising or promotional items of nominal value,
5 such as pens and note pads;

6 (c) Unsolicited tokens or awards of appreciation in the form of a
7 plaque, trophy, desk item, wall memento, or similar item;

8 (d) Unsolicited items received by a state officer or state employee
9 for the purpose of evaluation or review, if the officer or employee has
10 no personal beneficial interest in the eventual use or acquisition of
11 the item by the officer's or employee's agency;

12 (e) Informational material, publications, or subscriptions related
13 to the recipient's performance of official duties;

14 (f) Food and beverages consumed at hosted receptions where
15 attendance is related to the state officer's or state employee's
16 official duties;

17 (g) Gifts, grants, conveyances, bequests, and devises of real or
18 personal property, or both, in trust or otherwise accepted and
19 solicited for deposit in the legislative international trade account
20 created in section 1 of this act;

21 (h) Admission to, and the cost of food and beverages consumed at,
22 events sponsored by or in conjunction with a civic, charitable,
23 governmental, or community organization; and

24 ((+h)) (i) Unsolicited gifts from dignitaries from another state
25 or a foreign country that are intended to be personal in nature.

26 (3) The presumption in subsection (2) of this section is rebuttable
27 and may be overcome based on the circumstances surrounding the giving
28 and acceptance of the item.

29 (4) Notwithstanding subsections (2) and (5) of this section, a
30 state officer or state employee of a regulatory agency or of an agency
31 that seeks to acquire goods or services who participates in those
32 regulatory or contractual matters may receive, accept, take, or seek,
33 directly or indirectly, only the following items from a person
34 regulated by the agency or from a person who seeks to provide goods or
35 services to the agency:

36 (a) Unsolicited advertising or promotional items of nominal value,
37 such as pens and note pads;

1 (b) Unsolicited tokens or awards of appreciation in the form of a
2 plaque, trophy, desk item, wall memento, or similar item;

3 (c) Unsolicited items received by a state officer or state employee
4 for the purpose of evaluation or review, if the officer or employee has
5 no personal beneficial interest in the eventual use or acquisition of
6 the item by the officer's or employee's agency;

7 (d) Informational material, publications, or subscriptions related
8 to the recipient's performance of official duties;

9 (e) Food and beverages consumed at hosted receptions where
10 attendance is related to the state officer's or state employee's
11 official duties;

12 (f) Admission to, and the cost of food and beverages consumed at,
13 events sponsored by or in conjunction with a civic, charitable,
14 governmental, or community organization; and

15 (g) Those items excluded from the definition of gift in RCW
16 42.52.010 except:

17 (i) Payments by a governmental or nongovernmental entity of
18 reasonable expenses incurred in connection with a speech, presentation,
19 appearance, or trade mission made in an official capacity;

20 (ii) Payments for seminars and educational programs sponsored by a
21 bona fide governmental or nonprofit professional, educational, trade,
22 or charitable association or institution; and

23 (iii) Flowers, plants, and floral arrangements.

24 (5) A state officer or state employee may accept gifts in the form
25 of food and beverage on infrequent occasions in the ordinary course of
26 meals where attendance by the officer or employee is related to the
27 performance of official duties. Gifts in the form of food and beverage
28 that exceed fifty dollars on a single occasion shall be reported as
29 provided in chapter 42.17 RCW.

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